

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KIMBERLY HARSMAN, <i>et al.</i> ,	:	Case No. 1:21-cv-597
	:	
Plaintiffs,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
CINCINNATI CHILDREN'S	:	
HOSPITAL MEDICAL CENTER, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER GRANTING PLAINTIFFS' MOTION TO DISMISS

This civil case is before the Court on Plaintiffs' motion to dismiss (Doc. 75) and amended motion to dismiss (Doc. 76). Because no Defendant in this case has filed an answer or a motion for summary judgment, the Court will construe Plaintiffs' motion as a notice of voluntary dismissal effective without a Court Order under Federal Rule of Civil Procedure 41(a)(1)(A)(i). This is not the first time Plaintiffs have dismissed an action based on the same claims against the same defendants as in this case. Thus, Rule 41(a)(1)(B) requires that this "notice of dismissal operate[] as an adjudication on the merits." This case is therefore **DISMISSED WITH PREJUDICE.**

Plaintiffs' voluntary dismissal does not, however, "divest the District Court of jurisdiction to consider [Defendants'] Rule 11 motion[s]." *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 398 (1990) ("Baseless filing puts the machinery of justice in motion, burdening courts and individuals alike with needless expense and delay. ... If a litigant could purge his violation of Rule 11 merely by taking a dismissal, he would lose all incentive to 'stop, think and investigate more carefully before serving and filing papers.'"). Defendants' motions for sanctions remain pending for this Court to resolve.

IT IS SO ORDERED.

Date: 1/28/2022

Timothy S. Black
Timothy S. Black
United States District Judge